

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 27 2012

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ERIN HOLMES and SHAWN  
HOLMES,

Plaintiffs - Appellants,

v.

MERCK & CO.,

Defendant - Appellee.

No. 08-16557

D.C. No. 2:04-cv-00608-BES-GWF  
U.S. District Court for Nevada, Las  
Vegas

**MANDATE**

The judgment of this Court, entered September 25, 2012, takes effect this  
date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:  
Molly C. Dwyer  
Clerk of Court

Theresa Benitez  
Deputy Clerk